



June 28, 2019

Via <https://foiaonline.gov/foiaonline/action/public/request>

Freedom of Information Officer
U.S. EPA, Region 4
AFC Bldg, 61 Forsyth Street., S.W., 9th Flr (4PM/IF)
Atlanta, GA 30303-8960

Re: Freedom of Information Act Request re **Barry Steam Electric Generating Plant, Title V Facility ID AL0000000109701001; State Registration No. 503-1001**

To Whom It May Concern:

Under the Freedom of Information Act, 40 C.F.R. §2.100 et. seq., I am requesting an opportunity to inspect or obtain copies of public records pertaining to the **Barry Steam Electric Generating Plant** in Bucks, Mobile County, Alabama (“Plant Barry”) (facility ID: AL0000000109701001). Specifically, I request documents identified below that bear on compliance, deviations, or exceedances of the limits set forth in the Barry Plant’s Title V Permit, or limits applicable under the Alabama SIP CAA, or the judicial consent decree entered in Case No 04-2000-099, and any amendments thereto, from 2015 to the present:

1. All progress reports submitted by the Alabama Power Company as required by Paragraph 65.1 of the Amended Consent Decree entered August 24, 2015, in *United States v. Alabama Power Co.*, No. 2:01-cv-00152-VEH;
2. All air permit-related Inspection Reports of the Barry Plant;
3. Documents that identify or discuss any and all violations, deviations, or exceedance of limits derived from or contained in the Alabama CAA SIP by Plant Barry, or its Title V permit;
4. With respect to all of the high priority violations (“HPV”) identified in the EPA’s ECHO system for Plant Barry, going back at least to Quarter 1 in 2016, the following:
 - a. All Discovery Actions and compliance monitoring activity relating to the HPV identified for Plant Barry, as indicated in the EPA’s ECHO system, as required by the August 25, 2014 Memorandum Revising the U.S. Environmental Protection

Agency's Enforcement Policy for High Priority Violations of the Clean Air Act: *Timely Enforcement Response to High Priority Violations- 2014* ("2014 Memo").¹

- b. The resolution timeline for the HPV.
 - c. Any and all actions the EPA or Alabama Department of Environmental Management has taken to address the ongoing Plant Barry HPV.
 - d. Notes from the case-specific consultations² to address the ongoing Plant Barry HPV.
 - e. Any communications between EPA and the Alabama Department of Environmental Management regarding the HPV, or between one of these government agencies and representatives of the Barry plant regarding the HPV;
5. Any communications between EPA and the Alabama Department of Environmental Management regarding any other violation of, exceedance of, or deviation from
- a. limits set forth in its Title V Permit, or limits applicable under the Alabama CAA SIP, or between one of these government agencies and representatives of the Barry plant; and
6. Any communications between EPA and the Alabama Department of Environmental Management regarding the pending Title V permit application, or between one of these government agencies and representatives of the Barry plant;

If available, all records are specifically requested in electronic format. In the instance that any of the requested records in electronic form are too large to prove via e-mail, the Sierra Club can provide a box.com link and other online dropbox, allowing for easy upload of the records to an electronic folder.

If you are able to provide some records more rapidly than others, we ask that you please forward those records as they become available for production. If you ultimately withhold any responsive records, please include in your response an explanation as to which records or portion of records, if any, are being withheld and please identify the privilege or exemption being asserted and the justification for that privilege or exemption. If a record includes both exempt and non-exempt information, please provide those portions of the record that are not specifically exempted from production. Finally, if a record does not exist, please indicate that in your written response.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$100. **All invoices should be billed to the Sierra Club Environmental Law Program, Attn: Julie Kaplan, 50 F Street, NW, Eighth Floor, Washington, DC, 20001.**

¹ With respect to the term "Discovery Action," this request intends that its meaning be that which is stated in EPA's 2014 Memo: "Enforcement agency must . . . indicate in ICIS- Air which compliance monitoring activity (or activities) relate to the HPV, which is referred to as the Discovery Action."

² This term also derives from EPA's 2014 Memo, at 5-6.

However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of risks to public health and the environment posed by emissions from Plant Barry. This information is not being sought for commercial purposes.

Please feel free to e-mail me at julie.kaplan@sierraclub.org, or call me at (202) 548-4592, to discuss any aspect of this request. Thank you in advance for your assistance in this matter.

Sincerely,

/s/

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